

IN THE
Supreme Court of the United States

October Term, 1972

Nos. 72-694, 72-753, 72-791, 72-929

MAR 1 1973

MICHAEL RODAK, JR.

COMMITTEE FOR PUBLIC EDUCATION & RELIGIOUS LIBERTY *et al.*,
Appellants,

v.

EWALD B. NYQUIST *etc. et al.*,
Appellees;

WARREN M. ANDERSON, as Majority Leader and President pro tem
of the New York State Senate,
Appellant,

v.

COMMITTEE FOR PUBLIC EDUCATION & RELIGIOUS LIBERTY *et al.*,
Appellees;

EWALD B. NYQUIST *etc. et al.*,
Appellants,

v.

COMMITTEE FOR PUBLIC EDUCATION & RELIGIOUS LIBERTY *et al.*,
Appellees;

PRISCILLA L. CHERRY *et al.*,
Appellants,

v.

COMMITTEE FOR PUBLIC EDUCATION & RELIGIOUS LIBERTY *et al.*,
Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

**MEMORANDUM IN OPPOSITION to MOTION of SIDNEY A.
SEEGBERS *et al.* FOR LEAVE TO FILE BRIEF
AMICI CURIAE**

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Appellants Cherry, Ferguson and Ruiz in appeal 72-929 and appellees Boylan, Ducey, Ferrarella and Roos in appeal 72-694 received in the mail on February 23, 1973 the Motion of Sidney A. Seegers *et al.* for leave to file an *amicus* brief in the above appeals. This motion is opposed pursuant to Rule 42(3) of the Rules of this Court for the following reasons:

1. The New York statute under review by this Court in the above appeals is *sui generis*, differing in a number of material respects from the Louisiana legislation referred to by applicants.

2. The motion for leave to file appears to be merely an effort on the part of the applicants to influence the outcome of the litigation allegedly now pending in the United States District Court for the Middle District of Louisiana.

3. The position of, and arguments proposed by, applicants are already represented by Leo Pfeffer, Esq., counsel for the Committee for Public Education & Religious Liberty *et al.*

4. The motion for leave to file does not conform with the specific requirements of Rule 42(3) of the Rules of this Court.

Dated: February 26, 1973

Respectfully submitted,

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